

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

KENT MOSS, )  
                  )  
Plaintiff,     )  
                  )  
v.               ) No. 2:11-CV-04320-NKL  
                  )  
MIDWEST CONTAINER )  
RECONDITIONING, LLC, )  
                  )  
Defendant.      )

**ORDER**

Before the Court is Plaintiff Kent Moss' motion for attorney's fees pursuant to Federal Rule of Civil Procedure 54. [Doc. # 31]. The Court previously entered default judgment against Defendant Midwest Container Reconditioning, LLC in the amount of \$36,173.41 on Plaintiff Kent Moss' three-count Complaint, which alleged, *inter alia*, violations of the Fair Labor Standards Act of 1938 ("FLSA"), 29 U.S.C. §§ 201, *et seq.* [Doc. # 27]. An award of reasonable attorney's fees and costs is mandatory under the FLSA. 29 U.S.C. 29 U.S.C. 216(b); *Alyeska Pipeline Serv. Co. v. Wilderness Soc'y*, 421 U.S. 240, 261 n.34 (1975).

Having reviewed Plaintiff's submissions in light of the framework for assessing reasonableness set forth by the Supreme Court in *Hensley v. Eckerhart*, 461 U.S. 424, 433-38 (1983),<sup>1</sup> the Court finds and orders as follows:

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<sup>1</sup> See also *Emery v. Hunt*, 272 F.3d 1042, 1046, 1048 (8th Cir. 2001).

**WHEREAS**, Plaintiff's counsel specifically itemized the hours worked by counsel and her legal assistant and the costs incurred in prosecuting this case;

**WHEREAS**, all hours worked are compensable because Plaintiff succeeded on all claims, *see Hensley*, 461 U.S. at 435;

**WHEREAS**, the hourly rates proposed by Plaintiff are reasonable because they reflect the ordinary rates charged for similar work in the community where this case has been litigated, *see Emery*, 272 F.3d at 1048;

**WHEREAS**, in light of the above findings, the total award of attorney's fees and costs requested by Plaintiff is reasonable;

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

Plaintiff's motion for attorney's fees and costs, [Doc. # 31], is GRANTED and JUDGMENT IS ENTERED AGAINST DEFENDANT MIDWEST CONTAINER RECONDITIONING, LLC FOR PLAINTIFF KENT MOSS' ATTORNEY'S FEES AND COSTS IN THE AMOUNT OF \$25,193.41.

s/ NANETTE K. LAUGHREY  
NANETTE K. LAUGHREY  
United States District Judge

Dated: April 11, 2013  
Jefferson City, Missouri